

On May 25, 1935, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bostwick Bros. Co., a corporation, Atlanta, Ga., alleging shipment in violation of the Food and Drugs Act as amended, on or about December 28, 1933, from Atlanta, Ga., to Greensboro, N. C., of quantities of Bostwick's White Pine Cough Syrup which was adulterated and misbranded. The article was labeled in part: (Bottle and carton) "Bostwick's White Pine Cough Syrup Alcohol 6 per cent. Chloroform 4 min. * * * Bostwick Bros. Mfg. Chemists Atlanta, Ga."

Analysis showed that the article consisted essentially of extracts of plant drugs, plant alkaloid, and wild cherry, chloroform (0.32 minim per fluid ounce), alcohol, glycerin, sugar, and water.

Adulteration of the article was charged under the allegations that it was represented to contain 4 minims of chloroform; that it contained little, if any, chloroform; and that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding of the article was charged (a) under the allegation that its label bore the statement, to wit, "Chloroform 4 Min.", and that the statement was false and misleading; (b) under the allegation that the article contained chloroform and alcohol, and that the label on the carton failed to bear a statement of the quantity or proportion of chloroform and alcohol contained therein; and (c) under the allegation that the labels of the bottles and cartons bore statements that the article was effective, among other things, as a treatment, remedy, and cure for coughs, hoarseness, sore throat, and all diseases of the throat and lungs, and that the statements were false and fraudulent.

On October 24, 1935, a plea of nolo contendere was entered and a fine of \$100 was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25088. Misbranding of Dr. Rainey's Vitality Tablets and Dr. Rainey's Laxative Tablets. U. S. v. The Rainey Drug Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. no. 33972. Sample no. 48748-A.)

Unwarranted curative and therapeutic claims were made for these products.

On May 23, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rainey Drug Co., a corporation, Chicago, Ill., alleging shipment by it, in violation of the Food and Drugs Act as amended, on or about February 20, 1934, from Chicago, Ill., to Seattle, Wash., of quantities of Dr. Rainey's Vitality Tablets and Dr. Rainey's Laxative Tablets which were misbranded. The articles were labeled in part: (Box) "Dr. Rainey's Vitality Tablets * * * The Rainey Drug Co. Chicago, Illinois"; (box) "Dr. Rainey's Laxative Tablets * * * The Rainey Drug Co. 108 West Lake Street, Chicago, U. S. A."

Analyses showed that the vitality tablets contained metallic iron, ferrous carbonate, extracts of plant drugs including cinchona and nux vomica, coated with calcium carbonate; and that the laxative tablets contained plant material, including a laxative drug and a trace of strychnine, coated with calcium carbonate.

Dr. Rainey's Vitality Tablets were alleged to be misbranded in that the label on the box and two circulars enclosed in the box bore and contained false and fraudulent statements that the article was effective, among other things, to insure vitality, to build up the system, digestion, and general health, to help to restore strength and fiber to the blood, to furnish nourishment to the whole body, to help to restore nerve tissue to normal condition, steady the nerves, banish the blues, make you feel full of life, vigor, ambition, and many years younger, to help to build you up in every way, to enrich the blood, to build up the nervous system, to generate vitality, to create nerve force, and to restore full strength and vigor; effective as a treatment, remedy, and cure for conditions such as anemia, nervous debility, indigestion, low vitality, neurasthenia, and heart, kidney, and liver disorders when caused by a run-down condition; effective as a treatment, remedy and cure for anemia, nervous debility, indigestion, low vitality and conditions where a tonic to the heart, nerves, stomach and blood is required; effective to insure health, strength and vigor; effective as health-giving; effective as a treatment, remedy, and cure for stomach trouble, stomach pain, belching, headache, heartburn, bloating, gas, spitting of mucus, gnawing, empty feeling, lump in stomach, food disagreeing, pain

before or after eating, coated tongue, sore mouth, indigestion, pimples, black-heads, sores, blotches, paleness, blood poison, eczema, malaria, enlarged joints or glands, chilliness, feverishness, run-down feeling, debility, weakness, and emaciation; effective for ailments of the blood; effective for ailments of the nerves, nervous debility, weakness, jerking, jumping, excitability, tiredness, worn-out feeling, feeling like falling when the eyes are closed and feet together, restlessness at night, poor memory, melancholia, despondency, waking up unrefreshed, weak trembles, dizziness, fainting spells, hands or feet numb, neuralgia, and lack of energy, strength, and ambition; effective as a treatment, remedy, and cure for heart weakness, skipping of beats, fluttering, palpitation, pain in left side, pain under shoulder blades, shortness of breath, dizziness, sinking sensation, cold extremities, swollen feet, throbbing or hammering sensation, inability to lie on right side or back, rheumatism and asthma when caused by a run-down condition; effective as a treatment, remedy and cure for catarrh, hawking, spitting, accumulation of mucus, watery discharge from the stomach, spitting up of slime, running of nose, sneezing, bad odor, dull headaches, catarrhal deafness, pains in kidneys, bladder, lungs or over entire body, and slimy discharge from bowels; effective to greatly aid in removing the cause thereof; and effective as a treatment, remedy, and cure for thinness, underweight, hollow cheeks, flat chest, scrawny neck, dyspepsia, and thin blood.

Dr. Rainey's Laxative Tablets were alleged to be misbranded in that the label on the box and a circular therein bore and contained false and fraudulent statements that the article was effective, among other things, as a treatment, remedy, and cure for all liver and bowel troubles; effective for sickness that can be traced to an inactive condition of the liver and bowels; effective to restore the bowel muscles to a normal condition; effective to aid the natural functions of the bowels and to restore the normal tone to the muscular coating; and effective to correct biliousness, sick headache, dizziness, and nausea, due to improper bowel elimination.

On November 15, 1935, a plea of guilty was entered, a fine of \$50 was imposed, and costs were awarded against the defendant.

W. R. GREGG, *Acting Secretary of Agriculture.*

25089. Adulteration and misbranding of powdered extract of nux vomica U. S. P. and solution of ammonium acetate. U. S. v. Schieffelin & Co., a corporation. Plea of nolo contendere. Fine, \$500. (F. & D. no. 33974. Sample nos. 67111-A, 67118-A.)

Each of these drugs was sold under a name recognized in the United States Pharmacopoeia, but differed from the standard stated in that authority, and the bottle label of each bore an incorrect statement.

On August 20, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Schieffelin & Co., a corporation, New York, N. Y., charging that it had shipped from New York, N. Y., to Union City, N. J., on January 24, 1934, a bottle of powdered extract of nux vomica U. S. P.; and on January 30, 1934, a bottle of solution of ammonium acetate, and that each drug was both adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled in part: (Bottle) "Powdered Extract Nux Vomica U. S. P. * * * Schieffelin & Co. Established 1794"; (bottle) "Solution of Ammonium Acetate (Liquor Ammonii Acetatis U. S. P.) * * * Schieffelin & Co. New York."

Adulteration of the articles was charged under the allegations that they were sold under names recognized in the United States Pharmacopoeia; that the said pharmacopoeia provided that powdered extract of nux vomica should yield not more than 16.8 per centum of the alkaloids of nux vomica; that the article labeled powdered extract nux vomica U. S. P. yielded not less than 18.1 per centum thereof; that the said pharmacopoeia provided that solution of ammonium acetate shall contain not less than 6.5 grams of ammonium acetate per 100 cubic centimeters; that the article labeled solution of ammonium acetate contained not more than 6.07 grams thereof per said unit; that the articles differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, and that the strength, quality, and purity of each was not declared on its container.

Misbranding of each of the articles was charged under the allegation that the lettering "U. S. P." on the label of each was false and misleading.

On August 22, 1935, a plea of nolo contendere having been entered, a fine of \$500 was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*